

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JULIO CESAR SILVA,

Plaintiff,

-against-

JOHN DOE CORP d/b/a WESTCHESTER TIRE &  
WHEELS CENTER, et al.,

Defendants.  
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19-CV-5138 (PAE) (OTW)

**SCHEDULING ORDER**

**ONA T. WANG, United States Magistrate Judge:**

On September 26, 2019, Plaintiff represented that he had not sought a default in this case because he was discussing possibly agreeing to extend the time to answer and discussing possible settlement. (ECF 16). Defendant Luis Polanco, proceeding *pro se*, has now requested an extension of time to respond to the complaint. (ECF 22). That request is hereby GRANTED. Defendant Polanco shall respond to the complaint by **January 17, 2020**.

An Initial Pretrial Conference pursuant to Rule 16 of the Federal Rules of Civil Procedure is hereby scheduled for **Thursday, January 30, 2020, at 11:00 a.m.** in Courtroom 20D, 500 Pearl Street, New York, New York. Any party proceeding *pro se* (without an attorney) must appear in person. Any party who has retained counsel prior to the conference need not personally attend and should instead have their attorney attend on their behalf

**Rule 16(a) Conference.** The parties will be required to discuss at the conference the subjects set forth in Rule 16(b) and (c) of the Federal Rules of Civil Procedure. In particular, the

parties should be prepared to discuss what discovery is necessary for the claims and defenses in this case.

**Rule 26(f) Conference.** The parties are directed to meet and confer at least 21 days before the date of the Initial Pretrial Conference to discuss the matters set forth in Rule 26(f) of the Federal Rules of Civil Procedure. The parties shall comply with their Rule 26(a) initial disclosure obligations no later than 14 days after the parties' Rule 26(f) conference.

**Proposed Scheduling Order.** The parties are directed to complete the Proposed Case Management Plan for Pro Se Cases, available at

<http://www.nysd.uscourts.gov/judge/Wang>

Counsel for Plaintiff shall file the Proposed Case Management Plan on ECF one week before the scheduled conference, January 23, 2020, and mail a copy to Plaintiff.

**Consent to Proceed Before the Magistrate Judge.** The parties shall discuss whether they consent to conduct all proceedings, including a trial, before the undersigned magistrate judge pursuant to 28 U.S.C. § 636(c). If all parties consent, they shall complete the Consent to Proceed Before a U.S. Magistrate Judge form available on the Court's website at <http://nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge> and file such form with the assigned district judge before the Initial Pretrial Conference.

**Communication with the Court.** The parties are obligated to communicate with the Court about any change in address. A party's failure to keep the Court apprised of current contact information may be deemed a failure to prosecute and the case may be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure.

**Pro Se Office.** The *Pro Se* Intake Unit is located in the United States Courthouse, 500 Pearl Street, Room 200, New York, New York (telephone 212-805-0175) and can assist *pro se* litigants in connection with court procedures.

The Court also notes that there is a legal clinic in this District to assist individual parties in civil cases who do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court. The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. Defendant is encouraged to make an appointment with the Clinic by calling (212) 659-6190.

The Clerk of the Court is respectfully requested to send a copy of this Order to *pro se* Defendant Polanco at the address listed in ECF 22.

**SO ORDERED.**

Dated: November 12, 2019  
New York, New York

s/ Ona T. Wang

**Ona T. Wang**  
United States Magistrate Judge